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Attorneys for Defendant
POWEREX CORP., a Canadian Corporation

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

CALIFORNIA DEPARTMENT OF
WATER RESOURCES

Plaintiff,

vs.

POWEREX CORP., a Canadian Corporation,
dba POWEREX ENERGY CORP., and DOES
1 - 100,

Defendants.

) Case No. 2:05-CV-00518-GEB-PAN

)

)

) **STIPULATED REQUEST AND**

) **PROPOSED ORDER TO CONTINUE**

) **HEARING ON PLAINTIFF'S MOTION**

) **TO ALTER OR AMEND JUDGMENT**

) **AND FOR LEAVE TO AMEND**

) **COMPLAINT**

)

)

) Hearing: October 11, 2005

) Time: 9:00 a.m.

) Courtroom: 10

) Judge: The Honorable Garland E.

) Burrell, Jr.

)

) Complaint filed: February 10, 2005

The parties, by and through their counsel of record, respectfully request the Court to
continue the hearing date for Plaintiff's Motion to Alter Or Amend Judgment and for Leave to

1 File Amended Complaint from its current date of October 11, 2004 to October 24, 2004 at 9:00
2 a.m. All parties agree to the proposed new hearing date.

3 Counsel for all parties stipulate that good cause exists to continue the hearing date on this
4 motion because counsel for Powerex Corp., Andrew Edison of Bracewell & Giuliani LLP, whose
5 office is in Houston, Texas, was among the 2 million residents of the Houston metropolitan area
6 forced to evacuate the city late last week due to Hurricane Rita. Due to this evacuation, Mr.
7 Edison has been without access to file materials, research and support staff necessary to comply
8 with the current deadline of Tuesday, September 27, 2005 to file Powerex Corp.'s points and
9 authorities in opposition to Plaintiff's motion. Accordingly, all parties agree that it is in the
10 interests of justice to continue the hearing on this matter to October 24, 2005 so that Powerex
11 Corp.'s counsel will have sufficient time to prepare and file its opposition brief.

12 Based on the foregoing, the parties respectfully request that the Court issue an Order
13 continuing the hearing on Plaintiff's Motion to Alter Or Amend Judgment and for Leave to File
14 Amended Complaint to October 24, 2004 at 9:00 a.m. in Department 10 of this Court.

15 **IT IS SO STIPULATED.**

16 Dated: September 26, 2005

GURNEE & DANIELS LLP

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18 By: /s/Steven H. Gurnee
STEVEN H. GURNEE
JOHN A. MASON
19 GURNEE & DANIELS LLP

20 J. CLIFFORD GUNTER III
ANDREW M. EDISON
21 BRACEWELL & GIULIANI LLP

22 Attorneys for Defendant Powerex Corp.

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1 Dated: September 26, 2005

BILL LOCKYER
Attorney General of the State of
California

3
4 TOM GREEN
Chief Assistant Attorney General
MARK BRECKLER
5 Senior Assistant Attorney General
MARTIN GOYETTE
6 Supervising Deputy Attorney General

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8 /s/Annadel A. Almendras
ANNADEL A. ALMENDRAS
Deputy Attorney General

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10 Attorneys for California Department of
Water Resources

11 **IT IS SO ORDERED.**

12 DATED: September 26, 2005

13 /s/ Garland E. Burrell, Jr.
GARLAND E. BURRELL, JR.
14 United States District Judge